IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE G.BHAVANI PRASAD

WRIT PETITION No.23445 OF 2006

Between:

Shaik Younus.

..... PETITIONER

AND

The Regional Transport Authority,
Rep. by its Regional Transport Officer,
Hyderabad East Zone, Hyderabad,
And another.

....RESPONDENTS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
G.BHAVANI PRASAD

WRIT PETITION No.23445 OF 2006

O R D E R
(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> **"… Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the vehicle check report No.1963704 dated 15-5-2006 issued by the 2nd respondent is illegal, arbitrary and unjust and against the principles of Natural Justice, further direct the respondents herein to release the petitioner's vehicle bearing Registration No.AP11V-2992 which was seized pursuant to the said vehicle report of the 2nd respondent to the petitioner herein forthwith and pass …"**

The petitioner is a owner of the vehicle bearing registration No.AP11V-2992. The said vehicle was seized by the 2nd respondent on 15.05.2006 for various irregularities noticed by him. Hence, the present writ petition.

Notice before admission was ordered on 10.11.2006. A counter-affidavit was filed by the 1st respondent. The substance of the counter-affidavit as stated by the 1st respondent in para-5 is as follows:

> **"5. It is submitted that the vehicle bearing Registration No.AP11V2992, has to pay tax to the tune of Rs.4,800/- and**

penalty Rs.8,400/- from 1-7-2005 to till 30-6-2006, apart from compounding fee for plying the vehicle without valid Fitness Certificate and Pollution Under Control Certificate."

When the writ petition is taken up today, learned counsel for the petitioner submitted that the petitioner is willing to pay the tax and penalty as indicated in the counter-affidavit of the first respondent.

In the circumstances, we are of the opinion that the writ petition can be disposed of with a direction to the respondents to release the vehicle of the petitioner bearing registration No.AP11V2992 on payment of the above-mentioned amount of tax and penalty, without prejudice to the authority of the respondents to initiate any other proceedings in accordance with law, if necessary.

JUSTICE J.CHELAMESWAR

JUSTICE G.BHAVANI PRASAD

15TH AUGUST, 2006
PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
G.BHAVANI PRASAD

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WRIT PETITION No.24445 OF 2006

(Per Sri Justice J.Chelameswar)

15th DECEMBER, 2006